



Attorney's Docket No.: 01-057001 / C2-906DP1PCT-US

Box 59 / 1646

#8A/JPW
08-06-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Jun-ichi Nezu et al.
Serial No. : 09/521,195
Filed : March 7, 2000
Title : TRANSPORTER GENES

Art Unit : 1646
Examiner : P. Mertz

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Applicants thank Examiner Metz for her time and attention during the telephone interview conducted with the undersigned on July 23, 2001. During the interview, Applicants' attorney discussed with Examiner Mertz the possibility of combining Groups I and II of the restriction requirement. The substance of the interview is discussed below.

Responsive to the action mailed June 22, 2001, Applicants elects the invention of Group I, claims 1-7 and 28, drawn to a polypeptide of SEQ ID NO:1, with traverse.

Applicants traverse the restriction requirement and respectfully request the rejoinder of Group I and Group II (claims 1-7 and 28, drawn to a polypeptide of SEQ ID NO:3), for the following reasons. Both SEQ ID NO:1 (OCTN1) and SEQ ID NO:3 (OCTN2) are human glucose transporter amino acid sequences. Both are classified in class 530, subclass 350. As illustrated in Figure 3 and discussed, e.g., on page 6 of the application, SEQ ID NO:1 and SEQ ID NO:3 share about 76% identity overall, over 93% identity (15 of 16 amino acids) in the sugar transporter consensus sequence, and 100% identity in the ATP/GTP consensus binding site. Further, as illustrated in Examples 6, 7 and 8 of the application, both OCTN1 and OCTN2 possess similar transport activity. Therefore, Applicants submit that it would not be a serious burden on the office to search Groups I and II together.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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July 23, 2001

Lisa G Gray

Applicant : Jun-ichi Nezu et al
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No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050, referencing attorney docket number 06501-057001.

Respectfully submitted,

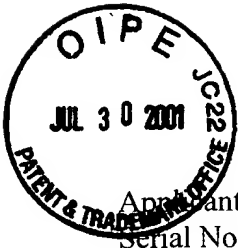
Date:

July 23, 2001

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

In response to the communication dated June 22, 2001 (copy enclosed), applicants submit herewith a Sequence Listing in computer readable form as required by 37 CFR §1.824. In addition, applicants submit a substitute Sequence Listing as required under 37 CFR §1.823(a) and a statement under 37 CFR §1.821(f).

Applicants respectfully request entry of the paper copy and computer readable copy of the Sequence Listing filed herewith for the instant application. Furthermore, applicants request entry of the following amendments.

In the specification:

Replace the original Sequence Listing with the substitute Sequence Listing filed herewith.

Replace the paragraph beginning at page 17, line 5, with the following rewritten paragraph:

A2 --Fig. 3 compares the amino acid sequence of human OCTN1 (SEQ ID NO:1) with that of human OCTN2 (SEQ ID NO:3). Amino acid residues conserved in both transporters are shaded. Sequences coinciding with the consensus sequences of sugar transporter and the ATP/GTP binding site are indicated by "+" and "*", respectively.--

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Signature

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July 23, 2001
 [Signature]
 Usa G Gray